

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 121

BOARD OF BARBERS AND COSMETOLOGISTS

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EXHIBIT

DATE 3/24/09

HB 661

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Subchapter 1

Organizational Rules

24.121.101 INTERIM RULE (REPEALED) (History: 37-31-203, MCA; IMP, 37-1-131, 37-31-203, MCA; NEW, 2003 MAR p. 2630, Eff. 11/27/03; REP, 2004 MAR p. 2813, Eff. 11/19/04.)

24.121.102 BOARD ORGANIZATION (1) The Board of Barbers and Cosmetologists adopts and incorporates the organizational rules of the Department of Labor and Industry (department) as listed in chapter 1 of this title. (History: 37-31-203, MCA; IMP, 2-4-201, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04.)

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Subchapter 3

Definitions

24.121.301 DEFINITIONS The following definitions shall apply as used in this chapter:

(1) "Beauty culture" means but is not limited to hairdressing, manicuring, and esthetics.

(2) "Blood spill kit" means a kit containing the equipment necessary to follow all of the blood spill procedures as required by ARM 24.121.1522.

(3) "Booth rental" means an establishment or business attached to or within a licensed salon or shop that is operated independently by a licensed booth renter.

(4) "Booth renter" means an independent contractor who operates in a licensed salon or shop and is not an employee or owner of the salon or shop and abides by the requirements of 39-51-204, MCA.

(5) "Cadet" or "student" instructor means a licensee who is enrolled in a school for the teacher-training program.

(6) "Clean" means the absence of, or the removal of, soil, dirt, dust, hair, or foreign material, by washing, sweeping, clearing away, or any other appropriate method rendering a sanitary condition.

(7) "Demonstration" means a planned educational instruction that illustrates and explains with examples the merits of products or services to one or more enrolled students. Members of the public may not be charged for any service performed in connection with a demonstration.

(8) "Dermabrasion" or "open dermabrasion" means the surgical application of a wire or diamond frieze by a physician to abrade the skin, vaporizing from the epidermis and possibly down to the papillary layer of the dermis.

(9) "Dermaplane" means the use of a scalpel or sharp, bladed instrument by a physician to "shave" the upper layers of the epidermis.

Subchapter 2

Procedural Rules

24.121.201 PROCEDURAL RULES (1) The Board of Barbers and Cosmetologists adopts and incorporates the procedural rules of the department as listed in chapter 2 of this title. (History: 37-31-203, MCA; IMP, 2-4-201, 37-31-203, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

(21) "Patch test" or "predisposition test" means a test required by federal law under the Food and Drug Act, whereby a small amount of the chemical preparation is applied to the skin of the arm or behind the ear to determine possible allergies (hypersensitivity) of the client.

(22) "Sanitized," "sanitary," or "sanitation" means to significantly reduce the number of pathogens or disease producing organisms found on a surface.

(23) "Single use items" mean items which shall be discarded after being used one time. These items include but are not limited to emery boards, nonmetal files without documentation from the manufacturer stating file is disinfected, mandrels, and sanding bands for electric files, orangewood/birchwood sticks, wooden applicator sticks or spatulas, porous foot files, disposable gloves, paraffin liners, cotton balls, cotton strips, cotton swabs, neck strips or muslin strips, and any item that cannot be cleaned and disinfected and remain intact in its original condition.

(24) "Sterilization" means to completely destroy all living organisms on a surface.

(25) "Supplemental barbering course" means a course of study in a licensed school, consisting of at least 125 hours in clipper cuts and 25 hours in shaving to licensed cosmetologists only, in order to meet the required educational needs for a barber license prior to taking a national written exam.

(26) "Very superficial" means confined to the uppermost stratum corneum layer of the epidermis.

(27) "Working area" means the area of a salon, shop, or school where students or licensees perform services upon clients or members of the public.

(History: 37-1-131, 37-1-319, 37-31-203, MCA; IMP, 37-1-306, 37-31-101, 37-31-203, 37-31-204, 37-31-303, 37-31-305, 37-31-309, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

(10) "Direct supervision" means the on-site physical presence of a supervisor in the clinic and basic areas of the school, where students perform educational activities and services requiring licensure, and includes communication, direction, observation, and evaluation on a consistent basis.

(11) "Disinfected" or "disinfection" means eliminating bacteria, viruses, and organisms on inanimate surfaces.

(12) "Distance education" means education such as computer based training, Internet, video tape, or other mode of distance delivery where the instructor and student are separated by distance and in some cases time.

(13) "Embellishment and beautification" means the improvement of an individual's appearance to meet the individual's need or desire through noninvasive procedures and practices.

(14) "Employee" means a person employed by a salon, shop, or school and paid wages and/or commissions in accordance with federal, state, and local regulations.

(15) "Exfoliation" means the sloughing off of nonliving (dead) skin cells by very superficial and noninvasive means.

(16) "Hairdressing" means performing any or all of the following on natural or artificial hair including but not limited to hairstyling (wet, dry, thermal, and braiding), chemical services (waving, relaxing, hair coloring, and lightening), hair cutting, and shampooing and scalp treatments.

(17) "Inactive" means the status of any instructor who fails to meet the continuing education requirement.

(18) "Member of the public" means any person that is not enrolled as a student or employed as an instructor of the school in which the student is attending. Payment or compensation for services shall not be a consideration.

(19) "Microdermabrasion" means a gentle, progressive, very superficial mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system that utilizes aluminum oxide or corundum crystals as the abrasive material.

(20) "Noninvasive" means procedures confined to the nonliving cells of the epidermis, specifically the stratum corneum layer, and through which living cells are never altered, cut, or damaged. At no time shall individuals licensed in this chapter perform services where the germinative or basal layers of the skin are compromised.

24.121.403 GENERAL REQUIREMENTS (1) Applicants for all licensure types shall submit to the board a completed application, on forms prescribed by the board, including all required fees and documentation.

(2) Applications received by the board will be reviewed for completeness. If the application is not complete, the applicant has 90 days in which to supply the remaining information or documents. If the application is not completed within 90 days, the application is rejected, and the applicant shall be required to submit a new application package and fees.

(3) All licensees, including salons, shops and schools, shall display all licenses conspicuously for members of the public to view. The address on the personal license may be covered.

(a) Booth renters shall display conspicuously at their working areas all current licenses and a clear legible sign, of at least six inches by three inches, stating that the booth/station is a booth rental and is rented by the booth renter.

(b) Booth renters shall clearly label all other areas of the salon or shop maintained by the renter, including but not limited to retail, roll-about, carts, and manicure tables.

(4) Licensees shall ensure that their correct name and current mailing address is on file with the board by notifying the board of changes in name or address in writing within 30 days, and including the licensee's name, profession and license number.

(5) Licenses must not be defaced or altered.

(6) Licensees shall immediately notify the board of lost, damaged or destroyed licenses and obtain a duplicate license by submitting a written request and appropriate fees to the board or through the board's website.

Subchapter 4

General Provisions

<u>24.121.401 FEES</u> (1) Original and renewal license to practice	\$ 45
(2) Active instructor license	60
(3) Inactive instructor license	50
(4) Original and renewal school license	150
(5) Additional courses within a cosmetology school	50
(6) School/course inspection	150
(7) Original and renewal salon or shop license	50
(8) Salon or shop inspection	100
(9) Original and renewal booth rental license	40
(10) Out-of-state license by endorsement	45
(11) Variance request	20

(12) Additional standardized fees are specified in ARM 24.101.403.

(13) Renewal notices will be sent as specified in ARM 24.101.414.

(14) Examination fees must be paid to the examination administration service as contracted by the board. If the board does not contract examination services, the fees must be paid to the board.

(15) All individual licenses must be renewed on or before the renewal date set by ARM 24.101.413.

(16) All school licenses must be renewed on or before the renewal date set by ARM 24.101.413.

(17) All salon, shop, and booth rental licenses must be renewed on or before the renewal date set by ARM 24.101.413.

(18) The provisions of ARM 24.101.408 apply.

(19) Any portion of a year is considered a full year. Fees may not be prorated.

(20) Fees are nonrefundable. (History: 37-1-131, 37-1-134, 37-1-141, 37-31-203, MCA; IMP, 37-1-134, 37-1-141, 37-31-302, 37-31-304, 37-31-305, 37-31-311, 37-31-312, 37-31-323, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.121.402 FEE ABATEMENT (1) The Board of Barbers and Cosmetologists adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2006 MAR p. 1383, Eff. 6/2/06.)

24.121.405 VARIANCES (1) Upon application, the board may only grant a variance from requirements of the safety and sanitation rules upon the board's determination that:

(a) special conditions exist which preclude strict compliance with the rules; and

(b) alternative measures will provide adequate public health and safety protection. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06.)

Rule 24.121.406 reserved

24.121.407 PREMISES AND GENERAL REQUIREMENTS (1) The premises of all salons, shops, and schools must be kept in clean and safe conditions at all times.

(2) No services connected with a salon, shop, or school can be conducted in any room used as living or sleeping quarters.

(3) No other business can be conducted in a salon, shop, or school, except those regulated by the board or related to the industries regulated by the board, unless separated by a full-length partition.

(4) Salons, shops, and schools must provide direct entry into the salon, shop, or school from a public access area.

(5) Furniture must be kept in clean and safe conditions at all times.

(6) Animals are permitted on the premises of a salon or shop only as follows:

(a) Animals assisting individuals with disabilities must be accompanied as specified in 49-4-214, MCA.

(b) Dogs may be permitted on the premises at any time at the discretion of the licensee, after the licensee:

(i) provides the board with proof of current rabies vaccination records for each dog on the premises, and makes such proof available to the board inspector;

(ii) provides the board with a certificate of insurance for liability insurance covering each dog on the premises and maintains a copy of the certificate on the premises; and

(iii) posts a legible sign at or near the entrance of the salon or shop indicating that there is a dog present on the premises.

(c) Fish are permitted in enclosed tanks or aquariums only.

(d) All other animals are prohibited on the premises of salons or shops at any time, unless the licensee has submitted a request for a variance that has been approved by the board as provided in rule.

(7) Single service disposable drinking cups may be available for clients.

(History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, 37-31-311, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04; AMD, 2007 MAR p. 859, Eff. 6/22/07; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Subchapter 5 reserved

(7) All licensees practicing barbering, cosmetology, electrology, esthetics or manicuring shall provide a suitable place equipped to provide adequate services to clients, as specified in rule and subject to inspection by the department or board designee.

(8) Licensees seeking to offer mechanical exfoliation or microdermabrasion services shall obtain an endorsement by the board prior to practicing.

(a) To obtain an endorsement, licensees shall complete an additional 50 hours of continuing education in the field of microdermabrasion as follows:

- (i) histology of the skin;
- (ii) bacteriology;
- (iii) client consultation and protection;
- (iv) client pre-care and post-care;
- (v) product knowledge;
- (vi) theory of technical application of microdermabrasion;
- (vii) sanitation and safety;
- (viii) disposal of waste products; and
- (ix) practical application and observation.

(b) A minimum of 50 percent of the required hours must be taught in theory.

(9) Licensees shall submit to the board a notarized copy of a certificate of completion of training for each machine or device to be used by the licensee. Each certificate must include:

- (a) licensee name;
- (b) date training was completed;
- (c) number of hours of training;
- (d) name of manufacturer; and
- (e) model number of the machine.

(10) Licensees shall advise clients of the necessity for protection of the skin prior to and following an exfoliation procedure. (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-301, 37-31-302, 37-31-303, 37-31-304, 37-31-305, 37-31-309, 37-31-311, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04.)

24.121.404 ANONYMOUS COMPLAINTS (1) The board will not accept anonymous complaints. (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-308, MCA; NEW, 2008 MAR p. 382, Eff. 2/29/08.)

(7) An applicant who has completed 1500 hours of barbering instruction or more, possesses a current barbering license, and enrolls in a course of cosmetology, shall receive 1500 hours of credit toward the 2000-hour requirement for a cosmetologist license.

(8) An applicant who has completed 2000 hours of cosmetology instruction and possesses a current cosmetology license shall complete an additional 125 hours in clipper cuts and 25 hours in shaving to qualify for barbering licensure.

(9) An applicant who has completed 650 hours of training or more, possesses a current esthetics license, and enrolls in a course of cosmetology, shall receive 650 hours of esthetics credit toward the 2000-hour requirement for a cosmetologist license.

(10) An applicant who has completed 350 hours of training or more, possesses a current manicurist license, and enrolls in a course of cosmetology will be granted 350 hours of credit toward the 2000-hour requirement for a cosmetologist license. (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-303, 37-31-304, 37-31-308, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.602 reserved

Subchapter 6

Licensing

24.121.601 APPLICATIONS FOR LICENSURE (1) Applicants for licenses to practice shall apply for licensure within three years of the applicant's graduation date from a licensed school.

(2) Previously licensed applicants may apply for licensure within ten years of termination of license by meeting current board licensing requirements and successfully passing a national written exam.

(3) Applicants for licensure shall submit the following documentation:

(a) hour records showing the following hours completed:

(i) barbering - 1500;

(ii) cosmetology - 2000;

(iii) electrology - 600;

(iv) esthetics - 650;

(v) manicuring - 350; or

(vi) supplemental barbering - 150.

(b) a barbering, cosmetology, electrology, esthetics, or manicuring school diploma from a board licensed school;

(c) proof of high school graduation or equivalency;

(d) copy of a birth certificate or other verifiable evidence of applicant's birth date; and

(e) proof of passage of a board approved examination.

(4) In lieu of a high school diploma or equivalency, applicants may petition the board for an exception by submitting the following information:

(a) certified copies of applicant's high school transcripts; and/or

(b) lists of courses completed including:

(i) adult education courses;

(ii) postsecondary education courses; and

(iii) other experiences providing evidence to equivalency of a high school diploma.

(5) The board shall accept hours of instruction from jurisdictionally licensed schools located outside Montana towards fulfillment of the hour requirements for the various categories of licenses.

(6) Out-of-state student applicants shall meet the same requirements as in-state barbering, cosmetology, electrology, esthetics, or manicuring students.

(3) To qualify for licensure by endorsement, an out-of-state cosmetologist shall submit an application including the following documentation:

(a) proof of completion of 2000 hours of training in an approved school of cosmetology;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for cosmetologists means 2000 hours of formal training and successful completion of a board approved examination by a passing score set forth in rule. Applicants who have not completed 2000 hours of formal training shall be required to pass a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of a cosmetologist applicant's qualifications or credit for hours.

(ii) The applicant shall be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) a certified state board transcript or verification from each state in which the applicant holds or has held a license.

24.121.603 OUT-OF-STATE APPLICANTS (1) Applicants tested and licensed in states administering a board approved examination and having received a scaled score as required for licensure in Montana may qualify for licensure by endorsement.

(a) "Board approved" means the examination is written and administered by any nationally recognized examination service.

(2) To qualify for licensure by endorsement, an out-of-state barber shall submit an application including the following documentation:

(a) proof of completion of 1500 hours of training in an approved school of barbering or barbering course;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for barbers means 1500 hours of formal training and successful completion of a board approved examination by a passing score set forth in rule. Applicants who have not completed 1500 hours of formal training shall be required to pass a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of a barbering applicant's qualifications or credit for hours.

(ii) The applicant will be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(6) To qualify for licensure by endorsement, an out-of-state manicurist shall submit an application including the following documentation:

(a) proof of completion of 350 hours of training in an approved school of manicuring or manicuring course;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for manicurists means 350 hours of formal training and successful completion of a board approved examination with a passing score set forth in rule. Applicants who do not possess 350 hours of formal training shall successfully pass a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of a manicurist applicant's qualifications or credit for hours.

(ii) The applicant will be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(4) To qualify for licensure by endorsement, an out-of-state electrologist shall submit an application including the following documentation:

(a) proof of completion of 600 hours of training in an approved school of electrology;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for electrologists means 600 hours of formal training and successful completion of a board approved examination with a passing score set forth in rule. Applicants who have not completed 600 hours of formal training shall be required to pass a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of an electrologist applicant's qualifications or credit for hours.

(ii) The applicant will be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(5) To qualify for licensure by endorsement, an out-of-state esthetician shall submit an application including the following documentation:

(a) proof of completion of 650 hours of training in an approved school of esthetics or esthetics course;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for estheticians means 650 hours of formal training and successful completion of a board approved examination with a passing score set forth in rule. Applicants who have not completed 650 hours of formal training shall be required to pass a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of an esthetician applicant's qualifications or credit for hours.

(ii) The applicant will be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

24.121.605 APPLICATION FOR SCHOOL LICENSURE (1) The board may give preliminary approval to applicants for school licensure before inspections are scheduled and conducted. If preliminary approval is denied, the applicant shall correct any deficiencies and resubmit the application. Failure to resubmit within 90 days shall be treated as a voluntary withdrawal of the application and the fees shall be forfeited.

(2) Applicants shall designate the type of school and which courses are to be offered as follows:

(a) barbering school;
(b) school of cosmetology, consisting of a cosmetology course and one or more of the following:

- (i) barbering course;
- (ii) esthetics course;
- (iii) manicuring course; or
- (iv) supplemental barbering course.
- (c) school of electrology;
- (d) school of esthetics;
- (e) school of manicuring; or
- (f) teacher training course.

(3) School applicants shall present a bond or other security in the amount of \$5000 and in a form and manner prescribed by the board.

(a) The bond or other security may only be used to provide a refund of prepaid tuition to enrolled students in the event the school ceases to operate or otherwise is unable to complete the course of instruction.

(b) Cosmetology schools offering courses in barbering, esthetics, manicuring, and/or supplemental barbering shall be required to post a \$5000 bond or other security for each course.

(4) Schools shall not allow the bond or other security to be cancelled or to expire as long as the school is licensed and shall submit to the board proof of continuous annual renewal of the bond or other security.

(7) To qualify for licensure by endorsement, an out-of-state instructor shall submit an application including the following documentation:

(a) proof of completion of the applicable minimum hours of teacher training required under 37-31-305, MCA;

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for instructors means the minimum hours of formal teacher training specific to the applicant's area of instruction and successful completion of a board approved examination with a passing score set forth in rule. Applicants who have not completed either the applicable minimum hours of formal training or the work experience provisions of ARM 24.121.607 shall be required to pass the board approved examination as specified in rule.

(ii) Applicants shall be credited for the hours of formal training currently required in that state or the hours shown in the transcript or verification.

(b) copy of a birth certificate or other verifiable evidence of applicant's birth date;

(c) proof of high school graduation or equivalency; and

(d) an original state board transcript or verification from each state in which the applicant holds or has held a license.

(8) Out-of-state applicants who are not currently licensed in another state shall:

(a) meet the requirements for licensure in the state of Montana;

(b) satisfy the statutes and rules of the board with regard to the formal training hour requirements; and

(c) pass a board approved examination in the field in which the training hours were received.

(9) Applicants from foreign countries shall be held to the same licensure requirements as out-of-state applicants. Applicants shall first receive board approval for the foreign hours of training in accordance with the established curriculum set forth in rule. (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-141, 37-1-304, 37-31-303, 37-31-304, 37-31-305, 37-31-308, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Rule 24.121.604 reserved

24.121.607 APPLICATION FOR INSTRUCTOR LICENSE (1) Applicants for instructor's licenses shall submit the following documentation:

(a) Applicants having completed the applicable minimum hours of teacher training required under 37-31-305, MCA, shall submit:

(i) hour records showing the number of hours completed;
(ii) a diploma issued for a teacher course;
(iii) a copy of a birth certificate or other verifiable evidence of applicant's birth date;

(iv) proof of current Montana licensure in barbering, cosmetology, electrology, esthetics or manicuring, in good standing; and

(v) proof of passage of the board approved examination.

(b) Pursuant to 37-31-305, MCA, if the applicable hours of teacher training have not been obtained, the applicant may provide documented proof, such as employer/contractor affidavits and proof of income, i.e., W-2 or 1099 forms, verifying the applicant's three years of continuous full-time practice immediately prior to the application submission.

(2) Applicants having graduated from a teacher-training course administered by a licensed school with an approved teacher's training program shall apply for a license within five years of the applicant's graduation date.

(3) Pursuant to 37-31-305, MCA, "immediately" means the last day of employment as a barber, cosmetologist, electrologist, esthetician or manicurist being not more than 90 days prior to taking the teacher's examination and "continuous years" means full-time employment of not less than 32 hours per week.

(4) The board shall accept hours of instruction from out-of-state schools towards fulfillment of the hour requirements for licensure.

(5) Out-of-state student applicants shall meet the same requirements as in-state instructor students. (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-302, 37-31-303, 37-31-305, 37-31-308, 37-31-321, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Rule 24.121.608 reserved

(5) As part of the application, the school applicant shall submit a financial report prepared by a certified public accountant (CPA) indicating the financial solvency of the school.

(6) Schools shall provide true and accurate copies of all current school policies, procedures, rules, student contracts, tuition costs, and required deposits, including but not limited to those policies, procedures, and rules addressing:

- (a) students;
- (b) school operating standards;
- (c) disciplinary procedures;
- (d) permissible attire;
- (e) ethics/conduct;
- (f) leaves of absence;
- (g) attendance;
- (h) holidays and school closures;
- (i) hours of operation;
- (j) refunds;
- (k) withdrawals;
- (l) grounds for termination;
- (m) grading standards;
- (n) final practical examination and passing score;
- (o) requirements for satisfactory progress;
- (p) release of information; and
- (q) instructional demonstrations.

(7) Schools shall be subject to unscheduled on-site inspections or audits by a designee directed by the board to determine:

- (a) compliance with board statutes, rules, policies, and procedures; and/or
- (b) adequacy of student files and required school documentation.

(8) As part of the inspection, investigation, or audit process the board may use information found by or prepared for the Department of Education or other applicable national accrediting associations' or commissions' reviews. (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-302, 37-31-311, 37-31-312, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.606 reserved

Subchapter 8

School-Facility and Operation

24.121.801 INSPECTION - SCHOOL LAYOUT (1) School applicants shall be inspected by a designated inspector or a board designee before a license is issued.

(2) Schools shall maintain the following square footage:

(a) Barbering and cosmetology schools shall have floor space of at least 1500 square feet for the first 25 students and 60 square feet for each additional student, including locker room and office space.

(b) Electrology schools shall have floor space of at least 1000 square feet for the first ten students and 60 square feet for each additional student, including locker room, office space and reception area.

(c) Esthetics schools shall have floor space of at least 900 square feet for the first ten students and 90 square feet for each additional student, including locker room and office space.

(d) Manicuring schools shall have floor space of at least 450 square feet for the first ten students and 45 square feet for each additional student, including locker room and office space.

(3) Schools shall be inspected at least once a year for compliance with board statutes and rules. Inspections must be conducted during the school's business hours as stated on the school application. The board administrator or board members may accompany inspectors on inspections.

(4) Schools shall maintain the most current inspection report and shall make it available upon request by the inspector or board designee.

(5) Schools shall address all inspection report violations and provide a detailed written response, including all corrective action taken, to the board office within 30 days of the inspection date. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-311, 37-31-312, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Rule 24.121.802 reserved

24.121.609 LAPSED LICENSE (REPEALED) (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-141, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; REP, 2006 MAR p. 1583, Eff. 7/1/06.)

Rule 24.121.610 reserved

24.121.611 EXAMINATION REQUIREMENTS AND PROCESS

(1) Applicants sitting for the examination shall adhere to the standards and requirements for admission to the examination, including the payment of appropriate fees.

(2) Applicants shall obtain a scale score of at least 75 percent to pass the examination for licensure to practice or for an instructor's license.

(3) In addition to the requirements of 37-31-308, MCA, candidates who have taken the examination and failed shall apply to be reexamined and pay the necessary examination fees as required. (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-304, 37-31-305, 37-31-308, 37-31-321, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Subchapter 7 reserved

- (8) Cosmetology schools shall provide the following equipment:
- (a) one styling chair and work station with mirror per student on the clinic floor;
 - (b) one serviceable school first aid kit;
 - (c) a fire extinguisher; and
 - (d) the following equipment shall be provided for schools enrolling one to 15 students. The equipment shall be doubled for 16 to 30 students and tripled for 31 to 45 students:
 - (i) two shampoo bowls;
 - (ii) two stationary or rollabout portable hair dryers;
 - (iii) two manicure tables; and
 - (iv) two covered wet sanitizers.
 - (e) one closed cabinet for clean linens;
 - (f) one facial chair;
 - (g) one covered soiled linen container;
 - (h) two covered garbage containers;
 - (i) one locker per two students;
 - (j) one protective covering per student; and
 - (k) one current board law and rule book per student.
- (9) Electrology schools shall provide the following equipment:
- (a) a practice workroom including:
 - (i) one bead sterilizer; and
 - (ii) one sink, with hot and cold running water for hand washing.
 - (b) a minimum of two stations for the first three students enrolled, with one station added for each additional two students;
 - (c) needles of various sizes per student upon completion of 50 hours of basic training; and
 - (d) one locker per two students.
- (10) Only presterilized, disposable needles may be used for electrolysis services on any individual in a licensed school, unless a properly installed, serviced, and operated autoclave is utilized for sterilization of reusable needles.
- (11) The clinical area of an electrology school must be divided into workstations that are enclosed by partitions or curtains. Each workstation must measure at least ten feet by six feet in area.

24.121.803 SCHOOL REQUIREMENTS (1) Schools or courses licensed after April 1, 2001, shall provide a separate classroom, other than the clinic floor, for theory or basic classes.

(2) Schools shall provide a separate lunch or break room for students.

(3) Separate restrooms with sinks for male and female persons must be provided and shall include hot and cold running water connected to a sewer or septic system.

(4) Schools shall have a mechanical ventilation or portable air purifier system that provides the total cubic square feet of the school with at least four air exchanges per hour. The ventilation system must operate continuously during business hours of the school. Doors and windows are not acceptable for the ventilation requirement.

(5) Schools shall display at the entrance a large legible sign with letters not less than two inches in size with the words "School of Barbering," "School of Cosmetology," "School of Electrology," "School of Esthetics," or "School of Manicuring" permanently affixed to the facility as to not be easily altered or removed by weather or individuals. Similar signs with the words "Student Work Only" shall be posted within each classroom and on the clinic floor.

(6) Schools must provide students with sufficient supplies, equipment, and tools to meet educational training needs throughout their curriculum.

(7) Barbering schools or cosmetology schools offering a separate barbering course or supplemental barbering course shall provide the following equipment:

(a) one barber style chair and work station with mirror per student on the clinic floor;

(b) one serviceable school first aid kit;

(c) a fire extinguisher; and

(d) the following equipment shall be provided for schools enrolling one to 15 students. The equipment shall be doubled for 16 to 30 students and tripled for 31 to 45 students:

(i) two shampoo bowls;

(ii) one stationary or rollabout portable hair dryer;

(iii) one hot lather machine; and

(iv) two covered wet sanitizers.

(e) one closed cabinet for clean linens;

(f) one covered soiled linen container;

(g) two covered garbage containers;

(h) one locker per two students;

(i) one protective covering per student; and

(j) one current board law and rule book per student.

24.121.805 SCHOOL OPERATING STANDARDS (1) Schools shall not advertise, enroll, or admit students until preliminary approval for school licensure is granted.

(2) Schools shall not use deceptive statements or false promises to induce students to enroll. All advertising must clearly disclose that the establishment is a school.

(3) School licenses are not transferable. Upon a change in ownership and/or location, schools shall submit a new school application accompanied by the appropriate fees.

(4) Schools shall adopt written policies and procedures.

(a) The policies and procedures must describe the following:

(i) areas of responsibility;

(ii) administrative lines of authority; and

(iii) school administration operating procedures.

(b) The policies must include provisions:

(i) allowing students access to their records;

(ii) requiring written requests for all information;

(iii) requiring student written consent for release of student records to third parties, unless required by law; and

(iv) requiring maintenance of records for no less than five years.

(5) Schools shall make available for student review:

(a) a copy of the student contract; and

(b) a complete and current copy of all school policies, procedures, and rules.

(12) Esthetics schools or cosmetology schools offering a separate esthetics course shall provide the following equipment:

- (a) one locker per two students;
- (b) one sink for hand washing, not used for restroom facilities;
- (c) one facial bed or chair;
- (d) one magnifying lamp;
- (e) one facial unit consisting of a vaporizer, high frequency unit, massage brush, vacuum spray, galvanic unit, magnifying lamp, and woods lamp;
- (f) one current board law and rule book per student;
- (g) one serviceable school first aid kit;
- (h) one fire extinguisher;
- (i) the number of sinks, facial beds or chairs, and lamps must be increased by one for each additional five students (e.g., six to ten, 11 to 15, etc.);
- (j) the following equipment shall be provided for schools enrolling one to 15 students. The equipment shall be doubled for 16 to 30 students and tripled for 31 to 45 students:

- (i) two covered wet sanitizers;
- (ii) one covered soiled linen container; and
- (iii) one covered garbage container.

(13) Manicuring schools or cosmetology schools offering a separate manicure course shall provide the following equipment:

- (a) one locker per two students;
- (b) one manicure table with chairs per student on the clinic floor;
- (c) one current board law and rule book per student;
- (d) one serviceable school first aid kit;
- (e) a fire extinguisher;
- (f) the following equipment shall be provided for schools enrolling one to 15 students. The equipment shall be doubled for 16 to 30 students and tripled for 31 to 45 students:
 - (i) two covered wet sanitizers; and
 - (ii) one sink for hand washing, not used for restroom facilities.
 - (g) one closed cabinet for clean linens;
 - (h) one covered container for soiled linens;
 - (i) two covered waste containers; and
 - (j) electric nail file and appropriate bits. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.804 reserved

(8) Appropriately licensed instructors shall directly supervise students at all times on the school premises in the classroom and on the clinic floor. One instructor shall supervise no more than 25 cosmetology, barbering, esthetics, or manicuring students, and no more than ten electrology students, at any time.

(9) Instructors with inactive licenses shall not substitute teach for more than ten days in any calendar year.

(10) Instructors shall wear name badges or insignia indicating they are instructors.

(11) Schools shall not allow instructors to practice on members of the public, unless solely for educational demonstration purposes to instruct students in a classroom setting, as defined in rule.

(12) Each student shall complete the following hours of basic training, prior to working or performing any services on members of the public, with or without compensation to the school:

(a) barbering students - 225 hours;

(b) cosmetology students - 300 hours;

(c) electrology students - 200 hours for facial services and 50 hours for other services;

(d) esthetics students - 150 hours; and

(e) manicuring students - 80 hours.

(13) Schools shall not call students out of class to perform services on members of the public.

(14) Schools shall not deduct or reduce hours earned by students as a form of disciplinary sanction or for any other reason.

(15) Upon completion by students of at least 90 percent of the required hours of a course of study in barbering, cosmetology, electrology, esthetics, manicuring, instructing, or supplemental barbering course and prior to graduating and receiving a diploma, the student shall take the school's final practical examination. The final practical examination must include all components for evaluation as provided in ARM 24.121.807 for each course of study. The final practical examination passing score shall be at least equal with the school's academic passing requirements.

(History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-311, MCA; NEW, 2005 MAR p. 262, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.806 reserved

(6) Schools shall maintain for not less than five years, and protect from loss, damage, and tampering, a registration file on each student who attended the school. Each file must include:

- (a) name, address, and phone number;
- (b) course of study;
- (c) enrollment date;
- (d) daily attendance records;
- (e) academic records including copies of written progress evaluations signed by the student and the school designee;
- (f) grades;
- (g) final practical examination with scores;
- (h) evaluations;
- (i) breakdown of curriculum requirements and completion;
- (j) disciplinary action;
- (k) student counseling;
- (l) original contracts;
- (m) tuition costs;
- (n) accepted transfer of hours from other schools;
- (o) withdrawals; and
- (p) leaves of absence.

(7) The school shall keep accurate, verifiable daily attendance records and shall track the number of hours received by each student within the course curriculum as set forth in rule.

(a) Schools may convert clock hours to credit hours using the conversion rate of 30 clock hours equaling one credit hour.

(b) Clock hours must be verified by a time-keeping system sufficient to protect against tampering.

- (3) The required curriculum for cosmetology students is as follows:
- (a) 2000 hours of training, of which at least 200 hours is in theory, distributed as follows:
- (i) manicuring, 125 hours to include:
 - (A) manicures (including water, oil, hand and arm massage, paraffin wax treatments, and polish);
 - (B) pedicures (including foot, ankle, and lower leg massage, paraffin wax treatments, and polish);
 - (C) application of artificial nails (including sculptured, nail tips, nail wraps, fills, repairs, tip overlays, fiberglass, gel, and acrylic); and
 - (D) the use of manicuring implements including the electric nail file.
 - (ii) esthetics, 150 hours to include:
 - (A) skin care (including facials, cosmetics, makeup, massage, essential oils);
 - (B) skin exfoliation (including manual, chemical, and mechanical exfoliation);
 - (C) waxing and tweezing; and
 - (D) electricity and light therapy.
 - (iii) shampoo (including scalp treatment), hair styling (pin curls, finger waving, thermal curling, blow dry styling, braiding, back combing, and wet setting), 260 hours;
 - (iv) chemical services (waving, relaxing (ammonium thioglycolate, sodium hydroxide methods), hair coloring, and hair lightening), 530 hours;
 - (v) hair cutting (including the proper uses of implements, e.g., shears, razors, clippers, thinning shears), 205 hours;
 - (vi) salon management, business methods, customer service, appointment book, professional ethics, and current state board laws and rules, 150 hours; and
 - (vii) chemistry, bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood spill procedure, and diseases and disorders of hair, scalp, skin, and nails, 80 hours.
- (b) 500 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

24.121.807 SCHOOL CURRICULA (1) Barbering, cosmetology, electrology, esthetics, manicuring, and instructor students shall complete the course of study within three years of the student's original enrollment date.

(2) The required curriculum for barbering students is as follows:

(a) 1500 hours of training, of which at least 150 hours is in theory, distributed as follows:

(i) haircutting (including proper use of implements, e.g., shears, razors, clippers, thinning shears), 250 hours;

(ii) shampoo, scalp treatment, and hair styling (thermal and air styling, finger waving, hair pieces to include weaves and extensions), 230 hours;

(iii) skin care (including facial shaving, facials, massage, essential oils, facial masks), 60 hours;

(iv) chemical services (waving, relaxing, hair coloring, and lightening), 400 hours;

(v) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood spill procedure, and diseases and disorders of skin, hair, and scalp, 85 hours; and

(vi) shop management, business methods, customer service, appointment book, professional ethics, current state board laws and rules, business ethics, and personal grooming, 100 hours.

(b) 375 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(6) The required curriculum for manicuring students includes 350 hours of training, of which at least 35 hours is in theory, distributed as follows:

(a) 265 hours of training, distributed as follows:

(i) salon management, business methods, customer service, appointment book, professional ethics, and current state board laws and rules, 60 hours;

(ii) bacteriology, sanitation, sterilization, safety, anatomy, physiology, diseases and disorders of skin and nails, manicure chemistry, and nail care, 55 hours;

(iii) manicures (including water, oil, hand and arm massage), pedicures (including foot, ankle, and lower leg massage), polish applications, paraffin wax treatments, and the proper use of manicuring implements including the electric nail file, 35 hours; and

(iv) application of artificial nails, sculptured nails, nail tips, nail wraps, tip overlays, fills, repairs (including fiberglass, gel, and acrylic), 115 hours.

(b) 85 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum.

(7) Students seeking licensure in a state other than Montana that requires additional hours of training, who do not possess a Montana license, may remain enrolled in the school and be permitted to work on members of the public.

(8) The board shall not grant credit for hours earned by students for postsecondary education, under any circumstances. (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-304, 37-31-305, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.808 reserved

- (4) The required curriculum for electrology students is as follows:
- (a) 600 hours of training, of which at least 200 hours is of technical instruction (demonstration, lecture, classroom participation, or examination); and
 - (b) 400 hours of practical operations (the actual performance by the student of a complete service on another person) to include:
 - (i) a minimum of 90 hours of practical operations obtained in the following subjects:
 - (A) electrolysis;
 - (B) thermolysis; and
 - (C) the blend.
 - (ii) 310 hours of practical operations shall be at the discretion of the school, provided they are within the applicable curriculum.
 - (c) Technical instruction and practical operations shall be obtained within the following topics:
 - (i) causes of hair problems;
 - (ii) structure and dynamics of hair and skin;
 - (iii) practical analysis of hair and skin;
 - (iv) neurology and angiology;
 - (v) bacteriology and disinfection;
 - (vi) dermatology;
 - (vii) principles of electricity and equipment;
 - (viii) electrolysis;
 - (ix) thermolysis;
 - (x) the blend;
 - (xi) the needle;
 - (xii) general treatment procedure;
 - (xiii) treatment of specific areas;
 - (xiv) current state board laws and rules; and
 - (xv) development of a practice.
- (5) The required curriculum for esthetics students is as follows:
- (a) 650 hours of training, of which at least 65 hours is in theory, distributed as follows:
 - (i) bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood spill procedure, diseases and disorders of the skin, electricity, chemistry, and light therapy, 70 hours;
 - (ii) massage, skin care, makeup, (including the use of vaporizer, high frequency, massage brush, vacuum spray, galvanic unit, and lamps), cosmetics, facials, essential oils, and skin exfoliation (including manual, chemical, and mechanical exfoliation), 300 hours;
 - (iii) waxing (face, neck, hands, and superfluous hair anywhere on the body, including tweezing), 50 hours; and
 - (iv) salon management, business methods, appointment book, customer service, professional ethics, and current state board laws and rules, 70 hours.
 - (b) 160 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum.

Subchapter 11

Teacher-Training

24.121.1101 APPLICATIONS TO OFFER TEACHER-TRAINING COURSES

(1) The teacher-training unit application must be completed on a form prescribed by the board and submitted with appropriate fees for approval.

(2) Student or cadet instructors shall not be registered or enrolled until the board has inspected and approved the teacher-training unit. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-305, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Rule 24.121.1102 reserved

24.121.1103 INSTRUCTOR REQUIREMENTS - TEACHER-TRAINING PROGRAMS (1) Schools licensed to offer teacher-training programs shall employ at least one full-time licensed instructor per student or cadet instructor on the premises of the school at all times during school hours.

(2) Instructors, student instructors, and cadet instructors shall wear badges or insignia indicating their appropriate instructor status.

(3) Student or cadet instructors shall be under the direct on-site supervision of a full-time licensed instructor while practice teaching and shall not be allowed to work on members of the public during their teacher-training program.

(4) Upon application by the student or cadet instructor enrolled in a licensed school of barbering, cosmetology, electrology, esthetics or manicuring, the board may grant credit for hours toward the teacher-training curriculum when the student or cadet instructor has completed, with not less than a "C" grade, a teacher-training course offered by an accredited postsecondary educational institution.

24.121.809 STUDENT WITHDRAWAL, TRANSFER, OR GRADUATING (1)

Students withdrawing, transferring, or graduating from a school shall be provided a current and accurate official transcript reflecting hours and grades and a statement of good standing from the school in order to receive credit for their education.

(2) When transferring between licensed schools, the transferring student shall provide the school with a statement of good standing and official transcript from the previous school. The new school shall grant full credit for all hours completed and grades received by the transferring student within three years of the student's original enrollment date.

(3) Upon reenrollment, a withdrawn student shall be granted full credit for all hours completed and grades received by the reenrolling student within three years of the student's original enrollment date.

(4) Schools shall not allow a transferred student to practice on members of the public until the school receives an official transcript of the student's hours and grades within the required curriculum areas. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.810 reserved

24.121.811 FIELD TRIPS (REPEALED) (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; REP, 2006 MAR p. 1383, Eff. 6/2/06.)

Subchapters 9 and 10 reserved

24.121.1105 TEACHER-TRAINING CURRICULUM (1) Cosmetology, esthetics, and manicuring teacher-training courses shall consist of 650 hours and include the following:

- (a) teaching methods - 245 hours including:
 - (i) task analysis;
 - (ii) developing instructional objectives;
 - (iii) visual aids and their construction;
 - (iv) motivational tools;
 - (v) preparation of instructive materials;
 - (vi) lesson planning including:
 - (A) practical theory classes; and
 - (B) practical demonstration classes.
 - (vii) fundamentals of speech and public speaking;
 - (viii) methods of test construction;
 - (ix) methods of evaluation or grading; and
 - (x) curriculum planning and development.
- (b) general psychology - 75 hours including:
 - (i) general principles in relation to teaching and counseling;
 - (ii) conflict resolution;
 - (iii) student counseling;
 - (iv) student and teacher relationships; and
 - (v) public relations.
- (c) business methods - 115 hours including:
 - (i) recruitment;
 - (ii) job analysis;
 - (iii) student registration, withdrawal, and hours (tracking, completing, calculating, and verifying);
 - (iv) ethical employee and employer relationship;
 - (v) salon/booth rental relationship;
 - (vi) professional ethics; and
 - (vii) current state board laws and rules.
- (d) advanced theory of cosmetology, esthetics, or manicuring, and the chemistry, safety, sanitation, bacteriology, physiology, anatomy, and diseases and disorders that apply to each course - 75 hours; and
- (e) 140 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum.

(5) All student or cadet instructors shall register with the board.

(6) Schools shall keep and maintain on the school's premises daily records of curriculum, attendance, and classes taught and practiced by the student or cadet instructor, until the applicant has become a licensed instructor.

(7) Upon completion by the student of at least 90 percent of the teacher-training course, and prior to graduation and issuance of a diploma, the school shall administer a final practical examination that must:

(a) include all components for evaluation as provided in ARM 24.121.1105; and

(b) be consistent with the school's academic passing requirements. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-305, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Rule 24.121.1104 reserved

(3) Electrology teacher-training courses shall consist of 100 hours and include the following:

- (a) teaching methods - 55 hours including:
 - (i) task analysis;
 - (ii) developing instructional objectives;
 - (iii) visual aids and their construction;
 - (iv) motivational tools;
 - (v) preparation of instructive materials;
 - (vi) lesson planning including:
 - (A) practical theory classes; and
 - (B) practical demonstration classes.
 - (vii) fundamentals of speech and public speaking;
 - (viii) methods of test construction;
 - (ix) methods of evaluation or grading; and
 - (x) curriculum planning and development.
- (b) general psychology - five hours including:
 - (i) general principles in relation to teaching and counseling;
 - (ii) conflict resolution;
 - (iii) student counseling;
 - (iv) student and teacher relationships; and
 - (v) public relations.
- (c) business methods - ten hours including:
 - (i) recruitment;
 - (ii) job analysis;
 - (iii) student registration, withdrawal, and hours (tracking, completing, calculating, and verifying);
 - (iv) ethical employee and employer relationship;
 - (v) salon/booth rental relationship;
 - (vi) professional ethics; and
 - (vii) current state board laws and rules.
- (d) advanced theory of electrology and the chemistry, safety, sanitation, bacteriology, physiology, anatomy, and diseases and disorders that apply to each course - five hours; and
- (e) 25 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum. (History: 37-1-131, 37-31-203, 37-31-311, MCA; IMP, 37-31-305, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Subchapter 12 reserved

(2) Barbering teacher-training courses shall consist of 500 hours and include the following:

- (a) teaching methods - 185 hours including:
 - (i) task analysis;
 - (ii) developing instructional objectives;
 - (iii) visual aids and their construction;
 - (iv) motivational tools;
 - (v) preparation of instructive materials;
 - (vi) lesson planning including:
 - (A) practical theory classes; and
 - (B) practical demonstration classes.
 - (vii) fundamentals of speech and public speaking;
 - (viii) methods of test construction;
 - (ix) methods of evaluation or grading; and
 - (x) curriculum planning and development.
- (b) general psychology - 50 hours including:
 - (i) general principles in relation to teaching and counseling;
 - (ii) conflict resolution;
 - (iii) student counseling;
 - (iv) student and teacher relationships; and
 - (v) public relations.
- (c) business methods - 90 hours including:
 - (i) recruitment;
 - (ii) job analysis;
 - (iii) student registration, withdrawal, and hours (tracking, completing, calculating, and verifying);
 - (iv) ethical employee and employer relationship;
 - (v) salon/booth rental relationship;
 - (vi) professional ethics; and
 - (vii) current state board laws and rules.
- (d) advanced theory of barbering, and the chemistry, safety, sanitation, bacteriology, physiology, anatomy, and diseases and disorders that apply to each course - 45 hours; and
- (e) 130 hours of instruction shall be at the discretion of the school provided that the hours are within the applicable curriculum.

(5) In addition to the above requirements, electrology salons or shops shall have:

(a) either a high frequency generator, galvanic generator, or electrolysis machine (dispersive or inactive electrode with connections to the machine, such as wet pad, metal rod, or water jar, necessary for electrology treatments);

(b) needles in assorted sizes;

(i) only presterilized, disposable needles may be used for electrolysis services on any individual in a licensed salon, unless a properly installed, serviced, and operated autoclave is utilized for sterilization of reusable needles.

(c) covered containers for all lotions, soaps, and cotton to be used on clients;

(d) four fine-pointed epilation forceps; and

(e) six draping sheets or towels.

(6) All residential salons and shops shall have:

(a) outside entrances with doors; and

(b) a separate restroom within the confines of the salon that is not available for the personal use of the residents.

(7) Salon and shop licenses are not transferable. Upon a change in ownership and/or location, the salon or shop shall submit a new salon or shop application accompanied by the appropriate fees.

(8) Salon or shop owners shall be responsible for safety and sanitation in the salon or shop except sanitation and safety violations caused by the booth renter taking place in the working area.

(9) It is the responsibility of the licensee to ensure that all personnel comply with the board's statutes and rules. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, 37-31-302, 37-31-309, 37-31-312, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Subchapter 14 reserved

Subchapter 13

Salons and Booth Rentals

24.121.1301 SALONS/BOOTH RENTAL (1) Mobile homes, moveable trailers, and structures on skids are not considered fixed places of business and will not be licensed as a salon, shop, or school.

(2) The board shall inspect and approve all salons, shops, and booths.

(a) The most current inspection report must be made available to the inspector or designee upon request.

(b) Within 30 days of an inspection, the salon or shop owner, booth renter, or manager shall respond to all inspection report violations by submitting a detailed written response, including any corrective action taken, to the board office.

(3) Applicants shall furnish the board with a blueprint or detailed scale drawing of the floor plan when filing a salon or shop application.

(4) Minimum requirements for a licensed salon or shop are as follows:

(a) at least one sink basin, appropriate for the practice, within the confines of the salon or shop. The sink basin must have hot and cold running water and be connected to a sewer or septic system;

(b) one covered wet sanitizer of suitable size and depth, and appropriate sanitizing and disinfecting agents as defined in ARM 24.121.1513 and 24.121.1514 (uncovered sanitizing agents may be used, provided the sanitizing agent is changed after each use);

(c) one covered soiled linen container;

(d) one covered garbage container;

(e) one enclosed dust free cabinet for the storage of clean towels; and

(f) a mechanical ventilation or air purifier system:

(i) providing the total cubic square feet of the salon or shop with at least four air changes per hour; and

(ii) operating continuously during business hours. Doors and windows are not acceptable for the ventilation requirement.

24.121.1505 RESTROOMS (1) At least one restroom with a hand washing basin must be located on or near the premises of the salon or shop.

(a) In a residential salon or shop, clients shall not walk through any living area of the residence to access the restroom.

(2) Hand washing signage must be posted in each restroom.

(3) Restroom fixtures must be maintained in a clean and safe condition at all times.

(4) If restrooms are used for storage, a closet or cabinet shall be provided and must be locked if used to store chemicals.

(5) Single service towels or an air dryer is required.

(6) A soap dispenser containing liquid soap must be provided.

(7) A covered waste container must be provided. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2007 MAR p. 859, Eff. 6/22/07.)

Rule 24.121.1506 reserved

Subchapter 15

Sanitary Standards

24.121.1501 PREMISES SANITATION (1) Carpeting is prohibited in the working areas, dispensaries, and restrooms of all salons, shops, and schools licensed on or after November 19, 2004.

(a) Salons, shops, and schools licensed prior to November 19, 2004, shall use appropriate, nonabsorbent floor covering to cover the existing carpet.

(b) Upon alteration or remodeling of the salon, shop, or school, carpeted flooring must be removed and replaced with appropriate, nonabsorbent floor covering.

(2) Floors, walls, ceilings, doors, windows, screens, entrances, and receptacles, including those in the restrooms, must be maintained in clean and safe conditions at all times. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.1502 reserved

24.121.1503 LIGHTING (1) All areas must be adequately lighted and light fixtures must be kept clean. (History: 37-1-131, 37-31-203, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Rule 24.121.1504 reserved

24.121.1509 IMPLEMENTS, INSTRUMENTS, SUPPLIES, AND EQUIPMENT (1) The board shall approve all new machines and devices which utilize newly introduced technology and are used in the practice of barbering, cosmetology, electrolysis, esthetics, or manicuring prior to the use of such machines and devices by licensees.

(2) All machines, devices, implements, shelves, tables, sinks, and other equipment used in connection with the operation of a salon, shop, or school must be:

- (a) constructed to be easily cleaned; and
- (b) in sanitary and safe conditions at all times.

(3) Only electric file machines specifically manufactured for use in the nail industry are allowed be used in nail services. Modified craft or hobby tools are prohibited.

(a) Only bits specifically manufactured for use on the natural nail plate shall be used on the natural nail.

(b) Metal bits and disposable sanding bands made specifically for use on natural nail may be used in that manner and may be used on the acrylic surface covering the nail.

(4) All microdermabrasion machines must be approved by the board prior to their use by licensees and only microdermabrasion machines specifically manufactured for use in esthetics services and approved by the board are permitted. Modified or medical machines may not be used.

(a) Microdermabrasion machines for use in esthetics services must be:

- (i) closed systems only;
- (ii) kept in sanitary and safe conditions at all times; and
- (iii) used only in accordance with specific manufacturer directions.

(5) Aluminum oxide crystals or manufacturer approved corundum used in microdermabrasion machines are:

(a) for single use purposes and shall:

(i) be discarded after each use in accordance with federal, state, and local disposal regulations; and

(ii) have a granule size no larger than 120 grit or the equivalent of 100 to 102 microns.

(b) The board shall approve the use of abrasives, other than aluminum oxide crystals or approved corundum, prior to the use of such abrasives by licensees.

24.121.1507 HAND WASHING FACILITIES (1) Every shop, salon, and school must have a hand washing facility that is convenient to the work areas, but not located in a restroom.

(a) The hand washing facility must have hot and cold running water, and be connected to a sewer or septic system.

(b) A soap dispenser containing soap must be provided.

(c) Single service towels or an air dryer is required. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.1508 reserved

24.121.1511 SANITIZING AND DISINFECTING IMPLEMENTS AND EQUIPMENT (1) All implements, equipment, and electrical instruments must be thoroughly cleaned and subjected to an approved sanitizing and disinfecting process before being reused.

(2) Sanitizing and disinfecting containers must be large enough to completely cover all implements with sanitizing and disinfecting agents.

(a) After removing all hair from implements, the implements must be thoroughly washed in clean water and detergent solution in a clean sink or container.

(b) After scrubbing with soap and water, implements must be thoroughly rinsed in clean water.

(3) All implements, including metal, must be completely immersed in a board approved disinfecting agent of proper strength and for the necessary time period according to manufacturer instructions.

(a) All nonimmersible equipment must be sanitized with a detergent solution and wiped or sprayed with a board approved disinfecting agent.

(4) After sanitizing and disinfecting, implements must be stored in a clean, disinfected, dry, covered container and separated from used or soiled implements.

(6) Only single use plastic tips are allowed to be used in microdermabrasion machines and must be disposed of after each client.

(7) Microdermabrasion machines must be maintained and filters changed in accordance with OSHA and manufacturer requirements.

(8) Any and all implements, equipment, and instruments used to perform dermaplane and dermabrasion procedures including but not limited to blades, knives, scalpels, wires, and diamond friezes are prohibited.

(9) The use of laser energy, as prescribed in ARM 24.156.501 as "any procedure in which human tissue is cut or altered by mechanical or energy forms, including electrical or laser energy or ionizing radiation" constitutes the practice of medicine and is prohibited for all individuals licensed under this chapter.

(10) The use of roller or roll-on waxing systems is prohibited. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2005 MAR p. 262, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.1510 reserved

24.121.1513 SANITIZING AGENTS (1) The following sanitizing agents are approved by the board:

- (a) detergent solutions;
- (b) alcohol used at 70 percent or higher strength may be used as a sanitizer with a minimum of 20 minutes contact time; and
- (c) chlorine compounds, hypochlorited in liquid or powder form (household bleach), may be used as a sanitizing agent at one part per 100 concentration with a five-minute contact time.

(2) The sanitizing agents must be available for inspection and clearly labeled to disclose contents and manufacturer's directions. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

24.121.1514 DISINFECTING AGENTS (1) All disinfecting agents must be registered with the EPA.

(2) Disinfecting agents must be available for inspection and clearly labeled to disclose contents and manufacturer's directions.

(3) All equipment and implements used in barbering, cosmetology, electrology, esthetics, or manicuring must be cleaned and disinfected, at a minimum, by complete immersion in a disinfectant that is mixed and used according to the manufacturer's directions as follows:

(a) a disinfectant that is effective against HIV-1, human Hepatitis B virus, or Tuberculocidal for equipment and implements that have come in contact with blood, bodily fluids, and/or mucous membrane; and

(b) a bactericidal, virucidal, fungicidal, and pseudomonacidal (formulated for hospitals) disinfectant for equipment and implements that have not come in contact with blood, bodily fluids, and/or mucous membrane. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2008 MAR p. 382, Eff. 2/29/08.)

(5) In addition to the above requirements, the following rules apply to the practice of electrology:

(a) Chair and table headrests must be covered with a single use towel for each patron.

(b) Before use, each electrolysis needle or tweezers must be first cleansed with warm water and soap, rinsed thoroughly and placed into an ultrasonic cleanser or chemical sterilant presoak, and then sterilized by one of the following methods:

(i) sterilizing packets with saturated steam, 15 PSI, and 250°F for 30 minutes; or

(ii) sterilizing packets with dry heat lab oven, 340°F for 60 minutes.

(c) Equipment for steam, dry heat, and glass bead sterilization methods must be checked weekly for determining equipment to be in proper working order and reaching required temperature.

(6) Sanding bands used on electric file mandrels are for single use purposes and must be discarded after each use.

(7) Metal bits for electric files must be properly sanitized and disinfected after each client.

(8) Paraffin treatments must be administered in a safe and sanitary manner by a single service or sanitized method of application to avoid cross contamination.

(9) Foot bath basins must be sanitized and disinfected after each use.

(a) Sanitizing and disinfecting of all screens, tubing, other removable parts, and the areas behind each must be done at the end of each business day.

(10) Cloth towels and other linens must be laundered before each use.

(11) Single service items must be used only once and properly disposed of after use. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.1512 reserved

24.121.1517 SALON PREPARATION STORAGE AND HANDLING (1) All salon and shop preparations must be:

(a) stored, handled, and applied to protect against contamination; and
(b) dispensed from containers to prevent contamination of the unused portion, either by use of pump, spray, or single-service spatulas.

(2) Use of the following items is prohibited:

- (a) pumice stones;
- (b) natural sponges;
- (c) styptic pencils or lump alum;
- (d) methyl methacrylate monomers for artificial nails; and
- (e) for chemical exfoliation:
 - (i) phenol;
 - (ii) resorcinol;
 - (iii) trichloroacetic acid (TCA); and
 - (iv) Jessner's solution.

(3) Liquid or powder astringent must be stored and applied with a separate clean sterilized gauze or cotton pad.

(4) All acids for use in chemical exfoliation must be used in concentrations of 30 percent or less, a pH level of not less than 3.0, and shall be applied in a manner and for a duration as recommended by the manufacturer.

(5) Only commercially available products may be used for chemical exfoliation purposes. The mixing or combining of skin exfoliation products or services is strictly prohibited.

(6) When using bulk products poured into another or smaller storage container, the new storage container must be labeled with the same product name, ingredients, and warnings as the original container. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.1518 reserved

24.121.1515 IMPLEMENTS AND EQUIPMENT STORAGE AND HANDLING

(1) Soiled implements and equipment must be stored separately from those that have been sanitized and disinfected.

(2) Separate and clean towels must be used for each client. Soiled towels must be kept in an appropriate container and laundered regularly.

(3) Sanitary neck strips or towels must be used to keep hair clippings and capes from contacting the client's neck, unless a freshly laundered cape is used for each client.

(4) Implements, instruments, and other equipment must not be placed onto garments or in garment pockets.

(5) Implements, instruments, and other equipment dropped on the floor must be sanitized and disinfected before reuse. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.1516 reserved

24.121.1522 BLOOD SPILLS (1) If there is a blood spill or exposure to other body fluids during a service, licensees and students shall stop the service and:

- (a) before returning to service, clean the wound with an antiseptic solution;
- (b) cover the wound with a sterile bandage;
- (c) if the wound is on a licensee's or student's hand in an area that can be covered by a glove or finger cover, the licensee or student shall wear a clean, fluid-proof protective glove or finger cover. If the wound is on the client, the licensee or student providing service to the client shall wear gloves on both hands;
- (d) blood-stained tissue, cotton, or other blood-contaminated material shall be placed in a sealed plastic bag and that plastic bag shall be placed into another plastic bag (double bagged), labeled with a red or orange biohazard warning, and discarded;
- (e) all implements, instruments, supplies, and equipment that have come in contact with blood or other body fluids shall be disinfected per ARM 24.121.1514; and

(f) electrical equipment shall be disinfected in the same manner as nonimmersible equipment and metal implements per ARM 24.121.1511.

(2) The blood spill procedure must be posted in all salons, shops, and schools. A copy of the blood spill procedure is available at the board offices, 301 South Park Avenue, P.O. Box 200513, Helena, MT 59620-0513. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2008 MAR p. 382, Eff. 2/29/08.)

24.121.1523 DISEASE CONTROL (1) A licensee or student shall not be required to provide services to a client while the licensee, student or client has an infectious, contagious, or a communicable disease or condition that has been epidemiologically demonstrated to be transmitted through casual contact.

(2) A licensee or student having an infectious, contagious or communicable disease or condition, epidemiologically demonstrated to be transmitted through casual contact, shall take all reasonable and necessary steps to avoid transmitting such disease or condition to clients and coworkers.

(3) A licensee or student with a discharging or infected sore on any exposed portion of the body shall be excluded from salons, shops or schools while such sore is present, unless the sore is adequately covered to prevent transmission of the infection.

(4) If a licensee or student detects that a client has pediculosis capitis (head lice), the licensee or student shall refuse to provide service and may provide necessary information and/or products for home self-treatment. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Subchapters 16 through 20 reserved

24.121.1519 WASTE DISPOSAL (1) Waste must be disposed of in easily cleanable, leak proof, plastic lined, nonabsorbent containers with lids.

(a) Waste containers must be kept clean and plastic lined at all times.

(b) Waste must be removed frequently to prevent overflow.

(2) Hair clippings must be swept after each client.

(3) Materials, chemicals, liquids, and implements shall be disposed of in accordance with federal, state, and local regulations.

(4) Aluminum oxide crystals or approved corundum must be disposed of in accordance with federal, state, and local regulations. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Rule 24.121.1520 reserved

24.121.1521 PERSONAL HYGIENE (1) Licensees and students shall keep their hands and fingernails clean, and wear clean, professional attire. Shoes shall be worn at all times.

(2) Licensees and students shall thoroughly wash their hands:

(a) before and after every client; and

(b) immediately after using the restroom.

(3) The use of an instant, waterless, antibacterial hand sanitizer may be used in place of hand washing before and after servicing each client, but does not void the requirement in (1).

(4) A fresh pair of nonsterile, latex, nitrile, or vinyl disposable gloves must be worn during treatments when contact with blood or other potentially infectious materials, mucous membranes, and nonintact skin could occur. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2008 MAR p. 382, Eff. 2/29/08.)

Subchapter 23

Unprofessional Conduct

24.121.2301 UNPROFESSIONAL CONDUCT (1) For the purpose of implementing Title 37, chapter 1, MCA, and in addition to the provisions of 37-1-316, MCA, the board defines unprofessional conduct as follows:

- (a) failing of a licensee to comply with any statute or rule under the board's jurisdiction;
- (b) attempting to procure a license under the board's jurisdiction by fraud or deception;
- (c) breaching a contract with a client, student, salon or shop owner, booth renter, employee, or employer, if established as a final judgment in a court of law;
- (d) failing to cooperate with an inspection or investigation conducted by the department on behalf of the board;
- (e) knowingly submitting false records or documents to the board or the department;
- (f) violating any final order of the board;
- (g) impersonating a licensee or representing oneself as a licensee for which one has no current license;
- (h) practicing with an expired license;
- (i) using the traditional symbol known as the "barber pole," or any likeness thereof, in any manner that may lead the public to believe either that barbering was being practiced in, or that a licensed barber was employed by, a salon or shop that does not employ barbers;

Subchapter 21

Continuing Education

24.121.2101 CONTINUING EDUCATION - INSTRUCTORS/INACTIVE

INSTRUCTORS (1) Active instructors shall complete 30 hours of continuing education (CE) per renewal period to maintain active status licensure.

(2) The board may approve, on a case-by-case basis, CE courses offered by providers not currently recognized by the board or not offered through attendance at an accredited academic college or university before credits are granted to any licensee for such course.

(3) Courses taught via distance education must first be certified through an agency or organization approved by the board that certifies each course's instructional design and delivery before credits are granted to any licensee for such course.

(4) Continuing education courses must be germane to the practice of barbering, cosmetology, electrology, esthetics, manicuring or instructing.

(5) Requests for approval of CE courses for providers or subject matter not currently recognized by the board must be submitted on the appropriate form.

(6) A maximum of ten of the required 30 credits per renewal period may be obtained at trade shows where products are being promoted.

(7) CE courses must be completed prior to applying for renewal of an active instructor license. Failure to meet the CE requirement will automatically result in the license being placed on inactive status.

(8) To activate an inactive instructor license, licensees shall submit evidence of completion of 15 hours of approved continuing education obtained within the 12-month period prior to activating the license. Licensees shall also be required to complete an additional 30 hours of continuing education before the renewal date set by ARM 24.101.413.

(9) Schools shall maintain records of CE credits for their instructors for a minimum of three years. Individual instructors not affiliated with a school shall maintain records of their CE credits for a minimum of three years.

(10) The board shall audit for compliance with CE requirements. (History: 37-1-131, 37-1-141, 37-1-319, 37-31-203, MCA; IMP, 37-1-141, 37-1-306, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Subchapter 22 reserved